GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Endowments Department – Visakhapatnam District – Sri Varahalakshmi Narasimha Swamy Devasthanam, Simhachalam – Orders issued` in G.O. Ms. No. 275, Dated 29.3.1993, G.O. Ms. No. 319, Dated 6.4.1993 and G.O. Ms. No. 189, Dated 27.2.1993 for Conveyance of Melivaram Rights in respect of lands held by Devastahanam in favour of Smt. M. Jaya Sathyavathi Devi, Sri S. Prabhakara Rao and Sri L.V.R.V. Prasad inconsistent with the provisions of Inam Abolition Act - Cancellation of G.Os – Orders – Issued.

REVENUE (Endts.II) DEPARTMENT

G.O.MS.No. 224 Dated: 25-06- 2015.

Read the following:

1) G.O. Ms. No. 189, Revenue (Endts.IV) Dept., Dt. 27.2.93.
2) G.O. Ms. No. 275, Revenue (Endts.IV) Dept., Dt. 29.3.93.
3) G.O. Ms. No. 319, Revenue (Endts.IV) Dept., Dt. 06.4.93.
4) Govt. Memo. No. 50350/ Endts.IV(2)/ 2001,Dated 7.5.2001.
5) From the Commissioner, Endowments Department, Hyderabad Letter No. L3/ 18382/ 2004, Dated 25.10.2014.
6) From the Commissioner, Endowments Department, Hyderabad Letter No. L3/ 18382/ 2004, Dated 18.12.2014.

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ORDER:

In the G.O`s. 1st to 3rd read above, orders were issued according permission to the Executive Officer, Sri Varaha Lakshmi Narasimha Swamy Devasthanam, Simhachalam, Visakhapatnam District for conveyance of Melivaram Rights in respect of the land measuring to an extent of Ac.13.50 Cts, Ac.7.04 cts. and Ac.8.29 cts. situated in Adivivaram Village in Visakhapatnam District belonging to the Devasthanam in favour of tenants Sri L.V.R.V. Prasad, Smt. M. Jaya Sathyavathi Devi and Sri S. Prabhakar Rao respectively on receipt of 1/3rd value of sale deed or basic register whichever is higher.

2. The Commissioner, Endowments Department in her letter 5th read above, has stated that the Executive Officer of subject temple has expressed the view that conveyance of Melivaram rights is not in the interest of the temple. He has also pointed out that there is no provision in the Inams Abolition Act for conveyance of Melivaram rights to the lands held by Temples. Even in case of Melivaram Rights, the provisions of Section 80 of the Act, 30/ 87 have necessarily to be followed and the title rights for 1/3rd share has to be transferred by way of valid registration.

3. The Devasthanam filed an appeal in W.A. No. 776/ 2010 questioning the orders passed by the single judge in W.P. No. 15513/ 2010 in respect of land measuring Ac.7.04 cts. in Sy. No. 275/ F of Adivivaram Village. The Hon`ble High Court disposed off the said appeal with the following observation:

> "The right of occupancy is not an absolute one and rather, it is Vulnerable to eviction in certain situations as mentioned in Section 8(2) of the Act. Therefore, it is always open for the appellant to take recourse to law as may be advised and for this purpose, it would be open for the appellant to enforce the amended provisions of Law, if such action is taken, it will also be open for the appellant to take steps for cancellation of the registered document, which is said to have been effected pursuant to the decision of the Learned Single Judge and the writ petitioner's permanent occupancy right will not stand in the way, if fresh action is lodged before the appropriate forum".

Contd...

4. Keeping in view these orders of the Court, the Commissioner, Endowments in her letter 6th read above, requested the Government to issue orders to cancel the orders pertaining to conveyance of Melivaram rights issued earlier vide. G.O. Ms. No. 189, Revenue (Endts.IV) Dept., Dt. 27.2.93, G.O. Ms. No. 275, Revenue (Endts.IV) Dept., Dt. 29.3.93 and G.O. Ms. No. 319, Revenue (Endts.IV) Dept., Dt. 06.4.93.

5. As per amendment (I.A) Act, 16/ 2013 of the A.P. (Andhra Area) Inams (Abolition and Conversion in Ryotwari) Act 1956 that the Ryotwary Patta granted to tenant, alienee or to any other person in any capacity in any other manner over such inam land is null and void and he shall be deemed as an encroacher who shall be dealt with suitably by the relevant laws applicable to such charitable or religious institution of Endowment and in case of Inam Land held by a charitable or religious institution or Endowment, no tenant shall have a right of permanent occupancy of the land.

6. After careful examination of the proposal of the Commissioner, Endowments Department and Orders of the High Court in W.A. No. 776/ 20110, dated 16.10.2014 and as per amendment (I.A) Act, 16/ 2013 of the A.P. (Andhra Area) Inams (Abolition and Conversion in Ryotwari) Act 1956, Government conclude that protecting the long terms interests of the sacred historic shrine of Simhachalam is paramount and accordingly hereby cancel the following G.O`s pertaining to conveyance of Melivaram rights to the persons cited in this order:

i) G.O. Ms. No. 189, Revenue (Endts.IV) Dept., Dt. 27.2.93.
ii) G.O. Ms. No. 275, Revenue (Endts.IV) Dept., Dt. 29.3.93.
iii) G.O. Ms. No. 319, Revenue (Endts.IV) Dept., Dt. 06.4.93

7. The Commissioner, Endowments shall take necessary action accordingly in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOROF ANDHRA PRADESH)

J.S.V. PRASAD
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner, Endowments Department, Hyderabad.
The District Collector, Visakhapatnam.
The Executive Officer, S.V.N.S., Simhachalam, Visakhapatnam.
Copy to:
P.S. to M(Endts.)
P.S. to Prl. Secretary (Endts.)
SF/SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER